

ASSEMBLY BILL

No. 1234

**Introduced by Assembly Member Shelley
(Coauthor: Assembly Member Alquist)**

February 26, 1999

An act to amend Sections 11125, 11125.4, and 11125.5 of the Government Code, relating to open meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 1234, as introduced, Shelley. State bodies: open meetings: notice.

(1) The Bagley-Keene Open Meeting Act requires, among other things, that notice of regular meetings of a state body be given to any person who requests that notice in writing.

This bill would require notice of a regular meeting of a state body also to be made available on the Internet, and would require the written notice to include the address of the website where required notices are made available.

(2) Under the act, notice for special meetings of a state body is required to be provided to persons requesting that notice, and to be provided to the general public by placing it on appropriate electronic bulletin boards or other appropriate mechanisms, whenever the state body has the electronic capability necessary to do so. A state body holding a special meeting is required to make a specified finding in regard to the need for the special meeting.

This bill would delete the provisions regarding the placing of notice of a special meeting on electronic bulletin boards, and instead would require notice of the special meeting, and

the finding in regard to the need for the special meeting, to be made available on the Internet. It would require the written notice to specify the address of the website where required notices are made available.

(3) In the case of an emergency meeting by a state body, the act requires the presiding officer of the state body, or a designee thereof, to provide notice of the emergency meeting by telephone, if telephone services are functioning, to newspapers of general circulation and radio or television stations that have requested notice of meetings, one hour prior to the emergency meeting. The minutes of an emergency meeting and other specified information are required to be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

This bill would also require notice of the emergency meeting to be made available on the Internet as soon as is practicable after the decision to call the emergency meeting has been made, and would require the minutes of the meeting to be made available on the Internet for a minimum of 10 days.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11125 of the Government Code
2 is amended to read:
3 11125. (a) The state body shall provide notice of its
4 meeting to any person who requests that notice in
5 writing. Notice shall be given *and also made available on*
6 *the Internet* at least 10 days in advance of the meeting,
7 and shall include the name, address, and telephone
8 number of any person who can provide further
9 information prior to the meeting, but need not include a
10 list of witnesses expected to appear at the meeting. *The*
11 *written notice shall additionally include the address of the*
12 *website where notices required by this article are made*
13 *available.*
14 (b) The notice of a meeting of a body that is a state
15 body as defined in Section 11121, 11121.2, 11121.5, or
16 11121.7 shall include a specific agenda for the meeting,

1 which shall include the items of business to be transacted
2 or discussed in closed session. A brief general description
3 of an item generally need not exceed 20 words. A
4 description of an item to be transacted or discussed in
5 closed session shall include a citation of the specific
6 statutory authority under which a closed session is being
7 held. No item shall be added to the agenda subsequent to
8 the provision of this notice.

9 (c) The notice of a meeting of an advisory body that is
10 a state body as defined in Section 11121.8 shall include a
11 brief, general description of the business to be transacted
12 or discussed, and no item shall be added subsequent to the
13 provision of the notice.

14 (d) Notice of a meeting of a state body that complies
15 with this section shall also constitute notice of a meeting
16 of an advisory body of that state body, provided that the
17 business to be discussed by the advisory body is covered
18 by the notice of the meeting of the state body, provided
19 that the specific time and place of the advisory body's
20 meeting is announced during the open and public state
21 body's meeting, and provided that the advisory body's
22 meeting is conducted within a reasonable time of, and
23 nearby, the meeting of the state body.

24 (e) A person may request, and shall be provided,
25 notice pursuant to subdivision (a) for all meetings of a
26 state body or for a specific meeting or meetings. In
27 addition, at the state body's discretion, a person may
28 request, and may be provided, notice of only those
29 meetings of a state body at which a particular subject or
30 subjects specified in the request will be discussed.

31 (f) A request for notice of more than one meeting of
32 a state body shall be subject to the provisions of Section
33 14911.

34 SEC. 2. Section 11125.4 of the Government Code is
35 amended to read:

36 11125.4. (a) A special meeting may be called at any
37 time by the presiding officer of the state body or by a
38 majority of the members of the state body. A special
39 meeting may only be called for one of the following
40 purposes where compliance with the 10-day notice

1 provisions of Section 11125 would impose a substantial
2 hardship on the state body or where immediate action is
3 required to protect the public interest:

4 (1) To consider “pending litigation” as that term is
5 defined in subdivision (q) of Section 11126.

6 (2) To consider proposed legislation.

7 (3) To consider issuance of a legal opinion.

8 (4) To consider disciplinary action involving a state
9 officer or employee.

10 (5) To consider the purchase, sale, exchange, or lease
11 of real property.

12 (6) To consider license examinations and applications.

13 (7) To consider an action on a loan or grant provided
14 pursuant to Division 31 (commencing with Section
15 50000) of the Health and Safety Code.

16 (b) When a special meeting is called pursuant to one
17 of the purposes specified in subdivision (a), the state body
18 shall provide notice of the special meeting to each
19 member of the state body and to all parties that have
20 requested notice of its meetings as soon as is practicable
21 after the decision to call a special meeting has been made,
22 but shall be delivered in a manner that allows it to be
23 received by the members and by newspapers of general
24 circulation and radio or television stations at least 48 hours
25 before the time of the special meeting specified in the
26 notice. Notice shall be made available to newspapers of
27 general circulation and radio or television stations by
28 providing that notice to all national press wire services.
29 Notice shall ~~also be provided to the general public by~~
30 ~~placing it on appropriate electronic bulletin boards or~~
31 ~~other appropriate mechanisms, whenever the state body~~
32 ~~has the electronic capability necessary to do so made~~
33 ~~available on the Internet within the time periods~~
34 ~~required by this section.~~ The notice shall specify the time
35 and place of the special meeting and the business to be
36 transacted. *The written notice shall additionally specify*
37 *the address of the website where notices required by this*
38 *article are made available.* No other business shall be
39 considered at a special meeting by the state body. The
40 written notice may be dispensed with as to any member

1 who at or prior to the time the meeting convenes files
2 with the clerk or secretary of the state body a written
3 waiver of notice. The waiver may be given by telegram,
4 facsimile transmission, or similar means. The written
5 notice may also be dispensed with as to any member who
6 is actually present at the meeting at the time it convenes.
7 Notice shall be required pursuant to this section
8 regardless of whether any action is taken at the special
9 meeting.

10 (c) At the commencement of any special meeting, the
11 state body must make a finding in open session that the
12 delay necessitated by providing notice 10 days prior to a
13 meeting as required by Section 11125 would cause a
14 substantial hardship on the body or that immediate action
15 is required to protect the public interest. The finding shall
16 set forth the specific facts that constitute the hardship to
17 the body or the impending harm to the public interest.
18 The finding shall be adopted by a two-thirds vote of the
19 body, or, if less than two-thirds of the members are
20 present, a unanimous vote of those members present. *The*
21 *finding shall be made available on the Internet.* Failure
22 to adopt the finding terminates the meeting.

23 SEC. 3. Section 11125.5 of the Government Code is
24 amended to read:

25 11125.5. (a) In the case of an emergency situation
26 involving matters upon which prompt action is necessary
27 due to the disruption or threatened disruption of public
28 facilities, a state body may hold an emergency meeting
29 without complying with the 10-day notice requirement of
30 Section 11125 or the 48-hour notice requirement of
31 Section 11125.4.

32 (b) For purposes of this section, “emergency
33 situation” means any of the following, as determined by
34 a majority of the members of the state body during a
35 meeting prior to the emergency meeting, or at the
36 beginning of the emergency meeting:

37 (1) Work stoppage or other activity that severely
38 impairs public health or safety, or both.

39 (2) Crippling disaster that severely impairs public
40 health or safety, or both.

1 (c) However, newspapers of general circulation and
2 radio or television stations that have requested notice of
3 meetings pursuant to Section 11125 shall be notified by
4 the presiding officer of the state body, or a designee
5 thereof, one hour prior to the emergency meeting by
6 telephone. *Notice shall also be made available on the*
7 *Internet as soon as is practicable after the decision to call*
8 *the emergency meeting has been made.* If telephone
9 services are not functioning, the notice requirements of
10 this section shall be deemed waived, and the presiding
11 officer of the state body, or a designee thereof, shall notify
12 those newspapers, radio stations, or television stations of
13 the fact of the holding of the emergency meeting, the
14 purpose of the meeting, and any action taken at the
15 meeting as soon after the meeting as possible.

16 (d) The minutes of a meeting called pursuant to this
17 section, a list of persons who the presiding officer of the
18 state body, or a designee thereof, notified or attempted
19 to notify, a copy of the rollcall vote, and any action taken
20 at the meeting shall be posted for a minimum of 10 days
21 in a public place, *and also made available on the Internet*
22 *for a minimum of 10 days,* as soon after the meeting as
23 possible.

